

PLANNING COMMISSION

December 16, 2009

A regular meeting of the Planning Commission of the City of Salem, Virginia, was held in Council Chambers, City Hall, 114 North Broad Street, at 7:00 p.m., on December 16, 2009, there being present all the members of said Commission, to wit: Gardner W. Smith, Terrance D. Murphy, Jimmy W. Robertson, Vicki G. Daulton, and Bruce N. Thomasson; with Gardner W. Smith, Chairman, presiding; together with James E. Taliaferro, II, Assistant City Manager and Executive Secretary, ex officio member of said Commission; Melinda J. Payne, Director of Planning and Development; Charles B. Aldridge, Sr., Acting Building Official and Zoning Administrator; Charles VanAllman, City Engineer; Benjamin W. Tripp, Planner; Judy L. Hough, Planner; and William C. Maxwell, Assistant City Attorney; and the following business was transacted:

ON MOTION MADE BY VICE CHAIRMAN MURPHY, AND DULY CARRIED, the meeting was continued to Andrew Lewis Middle School at the earliest possible time on this date – the roll call vote: all aye.

The meeting was reconvened at Andrew Lewis Middle School at 7:26 p.m.

ON MOTION MADE BY COMMISSION MEMBER ROBERTSON, AND DULY CARRIED, the minutes of the regular meeting, work session, and joint work session with Salem City Council held on November 11, 2009, were approved as written – the roll call vote: all aye.

In re: Request of H-H of VA, LLC, property owner, and CommUNITY Church, lessee, for rezoning the property located at 901 Russell Drive (Tax Map #15-1-1) from BCD Business Commerce District to RSF Residential Single Family District (Continued from the November 11, 2009, meeting)

The Executive Secretary reported that this date and time had been set to hold a public hearing to consider the request of H-H of VA, LLC, property owner, and CommUNITY Church, lessee, for rezoning the property located at 901 Russell Drive (Tax Map # 15-1-1) from BCD Business Commerce District to RSF Residential Single Family District (Continued from the November 11, 2009 meeting); and

WHEREAS, the Executive Secretary further reported that notice of such hearing had been published in the October 29 and November 5, 2009, issues of The Roanoke Times, and adjoining property owners were notified by letter mailed October 30, 2009; and

WHEREAS, staff noted the following: the subject property consists of one parcel, located along Electric Road (Route 419) and at the southern terminus of Russell Drive; the property is approximately 3.12 acres and is currently occupied by an approximately 25,000-square-foot vacant office and manufacturing building; the property is the former site of Designed Telecommunications Inc.; this property has been identified for commercial use since 1973 when it was part of a larger tract along Electric Road; this tract was 30.286 acres and included the property now owned by H-H VA, LLC; on February 14, 1973, the Salem Planning Commission unanimously voted to recommend rezoning the property from Residential District R-1 to Business District B-3, and “held a full and lengthy discussion...relative to the use made of this property which will be a shopping center”; the matter was approved by the Council on June 11; development during the 1970’s, 80’s and early 90’s included a hotel and several office buildings; in January 1995 the issue of this property’s use came again before the City governing bodies as part of a multi-parcel rezoning that included 15-1-1; the property had been purchased by SPH Incorporated, who requested it be rezoned from Business District B-3, and a portion

that was Residential District (R-1) to Business Commerce District (B-C); during the discussion held by the Planning Commission it was noted that

“while possessing commercial potential, the development of this property is restricted by several factors; the main restriction is access to Electric Road, Route 419; this portion of Electric Road is a limited access highway; therefore, the property must be developed using a frontage road off of Sheraton Drive; the other restrictions hindering development of the property are the topographical features of the land and sewer and water service; a portion of the property can be served with existing sanitary sewer lines, but another portion will require an expensive sewer main extension; the entire property is served by a city water main, but water pressure is inadequate to support extensive commercial development; the proposed zoning would allow the property to be subdivided into moderately-sized lots (4 to 5 acres) for the purpose of locating high-quality, light-manufacturing companies; the Business-Commerce zoning is much more restrictive than M-1 and would allow the City more control over future land use; as the eastern gateway into the City from Interstate 81, Electric Road has development potential in this area; and the question is should that development be intense commercial with fast food restaurants, gas stations, and motels like Wildwood Road, or would the proposed development allowing four or five small manufacturing sites like the City’s property on Apperson Drive be the highest and best use.”

After a discussion concerning drainage on the property the Planning Commission recommended the rezoning to the Council where it was approved unanimously; the intent of the Business Commerce District (B-C) at that time was described in Article XII, Sec. 106-376 of the Zoning Ordinance as

“Business-commerce districts B-C are intended to encourage the orderly development of areas and projects which require an integrated mixture of light industrial, business commercial, research and office uses, but which also require some supportive general commercial and related uses and a higher standard of building and site design; to preserve the economic and physical values of locating in such areas and projects; to encourage flexibility and innovation in their design; to maintain both flexibility in location decisions and compatibility among potentially conflicting land uses; and to facilitate the adequate and economic provision of supporting facilities, utilities and other improvements.”

Uses in the B-C zoning included some of the following: light industrial manufacturing, offices, computer and data processing centers, business commercial, retail, medical and dental, research, experimental development and testing laboratories, hotels and motels; having identified this type of commercial development as the “highest and best use” for the property, the city then set about to meet the challenges it had identified related to its development; on May 13, 1995, the Council passed Resolution 835 requesting that the Commonwealth Transportation Board award Industrial Access Road funding to “provide an adequate road to” the property which is the subject of this rezoning request, Tax Map #15-1-1; at that time it was to be occupied by Designed Telecommunications Inc; since the parcel did not have access to a public street, development of the property depended on the funds being used for the construction of Russell Drive; due to changing requirements on the part of VDOT the city had to go to further lengths to obtain this needed funding by providing a surety of \$122,000 to receive the award; this was done by Resolution 873 in June of 1997; this particular grant program is awarded by the Commonwealth specifically for the creation of jobs, and the resolution (835) noted Designed would provide “a new private capital investment in land, building, and manufacturing equipment of approximately \$1,035,000”, and would employ approximately 90

persons at the facility starting around August of 1996; ultimately \$338,385 was spent, including \$157,225 from the state and \$181,160 paid out of pocket by the city, to provide access to the property because of its potential for commercial use; it is also worth noting that the Council in a third resolution (874) which approved the agreement between the state and the city to build Russell Drive said that “the Spartan Industrial Center” a name used for the overall development “is expected to be the site of new private capital investment in land, building and manufacturing equipment which will provide substantial employment;” once funding was awarded and accepted, the City bid the project in July of 1997, and the Engineering Department administered its construction; in addition to the City’s investment in the road, work was also undertaken, at the City’s expense, to improve water and sewer service in the area; a sewer pumping station was installed at the end of Russell Drive to serve this property at a cost of approximately \$35,000; a new water line was also recently installed, at a cost of approximately \$200,000 to supply water for high-density commercial development; between the construction of Russell Drive and the water and sewer improvements, the City has spent approximately \$573,385, not counting staff time, to develop this property for commercial use; Designed Telecommunications closed in 2008 with an employment of approximately 60; the building has been vacant since; the city has ongoing efforts to market the property, both internally and through agencies such as the Roanoke Regional Partnership and the Virginia Economic Development Partnership; staff continues to direct businesses to the property that are capable of providing the competitive wages and job numbers originally envisioned for the property; this request is to rezone the property to RSF Residential Single Family to allow religious assembly; this item was continued from the November meeting to December; during that time staff worked at length with representatives of the applicant to investigate other potential locations; these locations include the former water treatment plant in Glenvar, the McClung Lumber property, the General Electric building on 4th Street, and property in the residential section of the Salem Commerce Park;

ISSUES:

- 1) This property is currently zoned for commercial/industrial use, and an approximately 25,000- square-foot building has been constructed on the site, offering 15,000 square feet of manufacturing/industrial floor space and 9,760 square feet of office space. The property is in a prime location for commercial development, only about half a mile from Interstate 81 and just off Electric Road. There are few similar properties in Salem, and without the ability to acquire additional land, the preservation of existing commercial and industrial areas is vital to maintaining a stable tax base.
- 2) Salem pursued and received state funding to develop this property for high-end commercial uses and to build Russell Drive, making access to the property viable.
- 3) The existing building is capable of holding an employer which could provide the community with 80-100 jobs.
- 4) The appropriate use of this property has been consistently identified since the early 1970s, by multiple Planning Commissions and Councils, as being commercial; and

WHEREAS, Jay Taliaferro, Assistant City Manager and Executive Secretary, appeared before the Commission giving background information related to the rezoning request; he noted the petition before the Commission is a request to rezone the property on Russell Drive from RSF Residential Single Family to BCD Business Commerce District; the property, a 3.12 acre parcel, was originally developed as part of Spartan Industrial Center, which was rezoned in its entirety to BCD in the mid 90s; shortly after that Designed Telecommunications purchased the property that the petition involves and built a 25,000 square-foot building; approximately 15,000 square feet of the building is manufacturing space and the remaining 10,000 is office space; in order to facilitate the development of that property, the City of Salem applied to the Commonwealth of Virginia Transportation Board for industrial access funding, a grant program which the State provides monies for developing industrial properties; in order to receive that

funding there had to be a certain amount of development on the property and, in this case, Designed Telecommunications and later Shelton Witt bought properties there and developed them; because of their development, the City was eligible for some funding; the construction cost to build Russell Drive was over \$338,000; the State provided a portion of that, and the City paid approximately \$180,000 for the road construction; in addition to the road construction, the City also upgraded some utilities; a sanitary sewer pumping station was built and water line main was extended to this area to increase water pressure and to provide sewer service for the property; the total cost of those two projects was approximately \$235,000; so the City has quite an investment in this property and in the entire development on Russell Drive; he noted that there might be a question as to why the petitioner is requesting RSF Residential Single Family in this case; he stated that staff had recommended this zoning in order to avoid spot zoning; he further explained the surrounding zoning to the Commission and noted if there were any questions, he would be glad to answer those; and

WHEREAS, Vice Chairman Murphy asked if there was a time limit related to the grant and the property being used for commercial use; Mr. Taliaferro noted he did not think so; he stated it was his understanding that it is based on the business opening, creating jobs, and investing in the building; once this is done, the grant is approved, and the city receives the money, then the obligation is over; and

WHEREAS, David Tenzer of Glenn Feldmann Darby and Goodlatte, representing the petitioners, appeared before the Commission in support of the request; he noted that CommUNITY Church is requesting to rezone a vacant building on a 3.122 acre parcel from BCD to RSF in order to permit religious assembly; he further noted the church was formed in 2005; Senior Pastor Thomas McCracken was here this evening and will speak a little later; the church is a young, growing Baptist church with nearly 300 members; they have currently been meeting in the American Legion Hall, but that location is being rented on a month to month basis and the church will be losing the ability to hold services in this location in the near future; seventy-five percent of the members of this church live here in Salem; the church needs a new location to continue to serve its members and the Salem community through its ministry programs; he noted that those programs were too numerous for him to list but a couple of them include ministering to senior citizens with free health screenings, prescription medicine assistance; also they have a ministry that constructs handicapped access ramps for people in need; they donate labor and materials to perform auto and home repairs and other services for members of the community who are in need; these activities help not only members of the church but the entire community, particularly members of the Salem community; he further noted there were other programs described in the rezoning application; he noted that the church presently has a contract to lease the property at 901 Russell Drive for a one year period and then to purchase the property outright; in addition the contract to purchase and lease includes four additional lots that range in size from 1 to 1 ½ acres; he pointed out the lots to the Commission on the zoning map; he noted that the property is the former Designed Telecommunications location; the parcel was originally zoned residential and is adjacent to other residential properties; the property was first zoned commercial in 1973 before the current zoning ordinance was adopted; the rezoning in 1973 was for Business District B-3 and that business zoning permitted churches and religious assembly as a matter of right; the zoning remained B-3 for approximately 22 years; in 1995 the opportunity came for Designed Telecommunications to locate on this parcel and they needed a higher zoning classification than the B-3 zoning; the appropriate zoning for the business was BC, and City Council approved the rezoning to BC at that time; he further discussed the HBD zoning that was adopted in the new zoning ordinance and noted that this parcel would have been changed to HBD zoning due to its location adjoining a major arterial roadway, Route 419; HBD also permits by right churches and religious assembly so if Designed Telecommunications had come along a few years later, we might not be here this evening; he noted the church is only requesting to rezone the parcel with the existing building, which is the

last parcel on Russell Drive; the church originally requested to down zone only one level to HBD, which would allow commercial use as well as the church, but based on staff's recommendation to avoid spot zoning, they agreed to amend the application to RSF; they also agreed at staff's request to drop the four adjacent parcels from the rezoning application; he noted that this will mean, if the rezoning is granted, the additional 5 acres of land will remain BCD zoning and will be available for commercial use; he noted the parcel that the church is requesting to rezone is triangular in shape and is thrust quite deeply into a residentially-zoned community; it is surrounded on two sides by residentially-zoned property, on one side by Route 419, and on the other side by the additional property which comprises the 9 acres; he discussed the potential to access the property from the adjoining residential community off Locke Street and also a gravel road; he noted that this is not an industrial property – this is a residential neighborhood that happens to have a commercial building coming up to the edge of it; he further noted that the property is vacant and has been for two years; no commercial users have been identified in that two-year period and this particular residential area is currently underserved by churches; the rezoning would restore this land to productive use; in addition, approving the rezoning would have a positive economic impact on the City of Salem; the church will have several full- and part-time employees, it will contract for services from Salem businesses, it will pay utilities, its parishioners will eat in nearby restaurants and shop in nearby businesses, etc.; if a commercial user does in fact appear, there will remain a 5-acre BCD zoned commercial tract sitting there ready and available; the building on the site is large enough to accommodate the church's current needs and anticipated future needs; this will leave the remaining 5 acres available for possible commercial development; he noted this was very important because the resolution passed in 1995 rezoning the parcels to BC for D-Tel specifically conditioned "moderately sized 4 to 5 acre plots"; thus, in this rezoning the City can have a win-win situation – approving this rezoning application, while still preserving over 5 acres of available land for future business development; with D-Tel there was only one commercial user on this 9-acre parcel and with this rezoning, there can still be one commercial user as envisioned in the 1995 rezoning; approving the rezoning will also have a positive community impact as it will allow hundreds of Salem residents who are church members to worship in Salem where they live; he further discussed the staff report, and the investment made by the city and state to develop this area; he added, he does not feel the staff report sets forth the entire story; he noted he has reviewed all the resolutions and minutes described in the staff report and he noted the actual out of pocket costs spent by the City of Salem on this 3-acre portion of the property appears to be quite small; he further discussed the industrial access road, and the monies spent on the construction; in this instance, CommUNITY Church's total investment on this parcel will be nearly two times as much as D-Tel's and this is before the church renovates the structure, but with no request for financial assistance from the city or from the state – twice the private investment and no public assistance; he noted the staff report describes a water and sewer extension to improve service to the entire area and that \$200,000 was recently spent on a water line extension; D-Tel was not a heavy user of water and sewer, and in fact, its facility had already closed at the time of the most recent water and sewer extension project in this area took place; he stated that water and sewer service in this area has been problematic for years, and some say it remains so even today; this 3-acre parcel was not a sole driving force behind the water and sewer extensions, in fact it had nothing to do with it; according to the Water Department, the project was part of its normal system upgrade to address problems with water pressure in the area, especially in the nearby residential area, and also to provide for increased demand anticipated by a recently constructed hotel; he further discussed the infrastructure and noted that the church would not require any additional increase in the infrastructure; he noted that the City's vision for this property has changed over the years, first as a residential area, then as a shopping center, which never materialized, and then as the Spartan Industrial Center, which also never materialized; who knows what will be next, but what they do know now is that there is a church full of Salem residents with a very real need, and there is a vacant property that is perfect to fit that need; if this rezoning is

approved, the property can be put back to productive use with no required additional investment by the city; if the rezoning is denied, there is no guarantee that this part of the vision from 35 years will ever materialize especially given the current economy; there are numerous uses permitted by right in BCD that will provide the revenue that the staff report seems to believe will arise if the Commission rejects this rezoning; these include cultural services, guidance services, public parks and recreation area, a day care center, or a bank; none of these uses would require that water and sewer improvements be made in this area, none would require large numbers of jobs or higher taxes, yet they are permitted by right in BCD; in the meantime, by rejecting this rezoning, the landowner is burdened and is held hostage by the inability to sell his property; the landowner has been waiting two years to find a good buyer who is ready, willing and able to purchase this property and make good use of it; the property owner found that buyer in CommUNITY Church; they should not be forced to wait any longer and suffer continued financial harm based on suppositions that a white knight might come riding out of the sunset; this rezoning has the strong support of the community, and a petition with many signatures has been gathered; further, numerous members of the community, including other churches, support this rezoning and are in attendance at this meeting; in conclusion, approving this rezoning allows Salem to say to these hundreds of Salem residents that “we want you here in Salem; we want you not just to live here and pay taxes here but we also want you to be able to worship here and serve your community here; in other words we want this to be your home in every sense of the word physically and spiritually”; he noted that he hoped the Commission would do what is right and vote in favor of the rezoning and in support of the church and its good work; and

WHEREAS, Cathy Holley of 2112 Twin Creek Circle, Salem, (Roanoke County resident) appeared before the Commission in support of the rezoning request; she noted that she is a Salem resident, Roanoke Valley Realtor, and a member of CommUNITY Church; she noted that Salem has been her home for 43 years, and that she and her husband are Salem High and Roanoke College graduates; in addition, she and her husband have three children, the oldest who entered Salem schools in 1993 and will graduate from Roanoke College next May; the other two children are junior and senior at Salem High School; early in their marriage they were presented with job opportunities that would have taken them away from this area, however, they chose to stay here and raise their family; she noted several reasons why they remained in Salem, i.e. the Football Stadium on Friday nights, the Farmers Market at Salem After Five, the annual Christmas Parade on Main Street, exercising at the Y, etc.; she stated there is a very special sense of community that they feel here in Salem; this special sense of community starts with relationships; she feels strongly that these relationships are formed largely as people worship together in Salem churches; so churches are an important part of what makes Salem special to her family and CommUNITY Church is no different; further, she noted that CommUNITY Church has been very blessed that it has been able to fill to capacity every building in which they have met and they feel like they will do the same at 901 Russell Drive, and this is a big building; lastly, she noted there are some residences nearby the proposed location but she feels that the church should have little to no impact on those residences; generally as she works with people in her job as a realtor, she finds that they think churches are pretty good neighbors; also a lot of buyer clients will give her a location of a church and use that as a benchmark as to where they want to live; so, a growing church can mean future Salem residents; and further, she hoped that the Commission would thoughtfully consider their request for rezoning; and

WHEREAS, Dan Carawan of 1743 Pomeroy Road, Salem, Associate Pastor of CommUNITY Church, appeared before the Commission in support of the rezoning request; he noted that he was aware of the City’s concern regarding the loss of tax revenue for this building; with approximately 35 years of leadership and management experience he stated he wanted to address the tax revenue that would not be lost; with their more than 200 members

and the businesses that are located in this area, a great percentage of their congregation would be bringing in tax dollars every time they meet, and they meet a lot; if less than 10 percent of the congregation eats at the local Burger King, this would bring in \$200 dollars a week or \$10,400 per year; if less than 10 percent of the congregation stops at the convenience stores to buy gas or snacks, with those 20 customers at an average of \$40/week, this would be \$800 in revenue or \$41,600 per year; he further outlined other businesses that would benefit from the church locating here; he further noted there would be jobs coming in; they expect to do \$100,000 in renovations and expect to spend \$30,000 on the parking lot; there will be janitorial services at \$5,000/year and security at perhaps \$5,000/year; in addition, cable TV, electric, water, sewer, and staff all totaling approximately \$240,000/year; if all the figures were added up, this would total approximately \$793,000 in spending money per year from their members; and if a 5% tax were calculated on this, there would be roughly \$39,000/year in taxes; and if he is way off base, then cut the figure in half, and this would still be \$19,000/year in tax revenue from their members spending money in Salem at those businesses; he believes that the tax revenue on the existing vacant building is slightly more than that figure; this tax revenue will only build as their membership builds and those businesses increase; and

WHEREAS, Jo Hartfield of 109 Niblick Drive appeared in support of the rezoning request noting that she was at the meeting because she loves Salem and she loves CommUNITY Church; she stated she wanted the Commission to know what the church and its people are like; she noted that her husband was transferred many times over the years, and they went to 16 different churches; CommUNITY Church is different from anything they had ever seen; she feels that the members are most loving, caring, and giving people; she noted that it is not just the pastors, the charter members, the deacons, or the teachers, but the entire congregation is this way; it is sort of like it is contagious she noted – it is the way they make you feel; she stated that the church members are excited to be moving to a larger place where they can do more for themselves and for others; they will be disappointed, very disappointed if they cannot, but she does not feel they will complain; they will look forward and not back because they are joyful people; this is a very special congregation and whether they have room to expand or not, Salem and all of the Roanoke Valley is lucky to have them; Salem has a great deal of pride, and she hopes they will take pride in CommUNITY Church; and

WHEREAS, Martha Armstrong of 2143 River Oaks Drive, Salem, (Roanoke County resident) appeared before the Commission in support of the request; first, she noted that she wanted to thank the Commission for listening to their comments for the rezoning of the property they hope to buy as a church; second, she stated she wanted to speak to their hearts; it may not make sense to rezone a piece of property that is designed for business, but sometimes we have to use our hearts along with our heads in making a good business decision; she noted that the church has not had a church building for over two years, but this has not kept them from doing God's business; she further discussed the numerous community service and mission projects the church members participate in; she noted if they can do all the things they currently do without a church building then imagine what they could do for the community in a permanent home; further, she requested the Commission to use their hearts when they vote on the request; and

WHEREAS, Roger Talmadge of 2921 Lockridge Road SW, Roanoke, representing the Military Family Support Center, appeared before the Commission in support of the proposed rezoning; he noted that he is the President and CEO of the Military Family Support Center, which is now located in the City of Salem at the American Legion building; he discussed the military from this area who have been deployed and noted the wives and children who are left behind; he further discussed the struggles of the families, and the work that his organization does to support those families; his organization is working with CommUNITY Church and would

move to this new location with the church; and he asked the Commission to vote in favor of the church's request; and

WHEREAS, Curtis Steele of 706 Red Lane, Salem, appeared in opposition to the rezoning request; he noted that he wanted to clarify a couple of things; first, he asked if the church was not able to use the property because it was zoned commercial, and it was noted that the current zoning does not permit religious assembly; second, he asked how much tax revenue would the city stand to lose if the church acquired the property both, the current three acre parcel requested to be rezoned and the additional five acres; Chairman Smith noted that he did not think anyone could answer that question at this time; he further noted that the potential revenue is related to the total acreage of the property; Mr. Steele noted that the loss of tax revenue will be great, and he asked the Commission to take this into account in their deliberation as the loss would be spread among all taxpayers in the City of Salem; and

WHEREAS, Vice Chairman Murphy noted that he thought the City would have some figures regarding the tax revenue that was recognized when Designed Telecommunications was in business at this location, and Assistant City Manager Jay Taliaferro noted that the city would be able to research the tax revenue; and

WHEREAS, Reverend Thomas McCracken appeared before the Commission in support of the rezoning; he noted that he wanted to read a statement "firstly, I want to recognize Melinda Payne as being a godly woman of integrity; through the rezoning process she has been gracious, patient, and has endeavored to help our church navigate the zoning maze filled with paper work, meetings, and politics; and while Melinda has never stated her formal position, she has maintained a solid work ethic and has exemplified the kind of staff member the City of Salem should be proud of"; he noted CommUNITY Church started with just 22 church members, and they are now comprised of 275 members and continue to experience growth; this constant growth trend has necessitated several physical moves in the past few years and is partly motivating their request to rezone this property; in addition to their need for more space that will effectively accommodate their membership and future growth, their current lease with the American Legion has become quite volatile as a result of numerous problems in the organization; so their rezoning request is neither confined or limited to any physical need but also motivated by a sense of urgency considering their current relationship with the American Legion has become tense; he noted that this request is not limited to CommUNITY Church as they have partnered with other strong, community-impacting organizations who will also occupy space in the Russell Drive property; the first organization is the Military Family Support Center, whose President and CEO Roger Talmadge just spoke; he further discussed the work of this organization; another organization that will be utilizing the building is the Polycystic Kidney Disease Roanoke Valley Volunteer Chapter; he noted that the closest chapter for residents of the Roanoke Valley to attend is in North Carolina; the Russell Drive location will be the first chapter in the entire state of Virginia; he further discussed polycystic kidney disease and noted that he was recently diagnosed with this disease; he stated that having a local supporting chapter of this organization in the Roanoke Valley will be a tremendous benefit to others like him searching for answers, support, and providing a bank of resources; he further noted that for the City of Salem to be involved in the inception of such a chapter will send a solid message of the support to all residents in this valley and beyond; before submitting the rezoning application he requested a meeting with the Mayor of the city; the premise and motivation of this meeting was to request that all parties involved from the Planning Commission to the City Manager and City Council that minds would be open and that their case and the residents of Salem and beyond would be heard; he was assured by the Mayor, the City Manager, and the Assistant City Manager that his request would certainly be honored and their church and its members would be heard without bias or prejudice; it was shocking to read in The Roanoke

Times this morning a quote from the City Manager that stated in regard to their rezoning request “to have a good piece of business commerce district transition into a residential zoning district with a tax-exempt status is not something staff can recommend. We don't feel it's in the highest and best use and in the city's best interest”; he noted that it appeared the promise to keep an open mind and a willingness to be heard without bias or prejudice was a hollow one; based on that promise, thousands of dollars have been spent, hundreds of hours exerted, and a petition with many signatures has been obtained; he pleaded with the Commission to not look into the eyes of the tax-paying residents that are as passionate about this request as he is and tell them it has all been in vain; that a decision has already been made, and this meeting was just to dot an “I” and cross a “t”; and further, he requested the Commission to vote in support of the rezoning request; and

WHEREAS, Commission Member Daulton asked if the church would be purchasing the entire nine acres of land; Mr. Tenzer noted that the church would be leasing and then purchasing the entire nine acres; he noted that the nine acres are comprised of five parcels; the only parcel that the church will be using is the one with the building so this is only one in rezoning request; the other four parcels will remain BCD zoning and be available for sale or lease to a commercial entity; Commission Member Daulton asked if the church would want to sell those four parcels, and Mr. Tenzer noted that the church would be open to a sale; Reverend McCracken noted that this really has not been discussed – right now they are focusing on getting in and finding a home for their church; Mr. Tenzer noted that the current 25,000 square foot building is large enough to accommodate both Phase 1 & Phase 2 of the church’s future plan; further, so the foreseeable future does not call for any need for them to expand to those parcels; and

WHEREAS, Commission Member Daulton asked Mr. Tenzer if he could explain Phase 1 and Phase 2; Mr. Tenzer noted that the first phase is a 14,000 square-foot addition that would accommodate the church’s current needs, and the second phase calls for a 11,000 square-foot extension for a new worship hall; and

WHEREAS, Commission Member Daulton asked if there would be any demolition, and Mr. Tenzer noted that the existing warehouse space will have to be converted for the church’s sanctuary; and

WHEREAS, Mr. Tenzer noted that the church has been circulating a petition in support of their request, and they will continue to get signatures for this petition prior to the City Council meeting; however, if the Planning Commission would like to have the petition presented at this time, he stated there was a copy available with approximately 1,500 signatures; and

WHEREAS, Chairman Smith noted that the Commission has listened to everyone that has spoken this evening, and the Commission takes a dim view of someone thinking that they had some stacked hand that they were playing; the Commission is pretty serious about their job in the process; he further noted that the Commission is charged with the duty of making a recommendation to City Council related to the zoning issue; this is not an easy thing to do; he noted that in his experience in Salem, what is done will be done properly, whether the decision is in their favor or against their request; and

WHEREAS, Commission Member Robertson noted that he had a few comments; first, he commended the church on their closeness; he noted that he had planned to ask Mrs. Hartfield what she thought about her church, but her comments answered the question; he also commended the church for their involvement in the community; he noted that several members of the Commission are very involved in their churches, and they are very familiar with

what they want to do and what their needs are; when he came on this Commission several years ago, one of the things he was concerned about was having to make a decision on an issue when he had close friends involved in that situation; fortunately over the years, there have only been a few of those cases; however, this is the situation they face this evening in making their decision; further, he stated that the sole role of the Commission is to decide the best use of the property and regardless of the decision made this evening, the church will still go before City Council who will make the final decision in the rezoning request; and

WHEREAS, Eugene Barton of 490 Joan Circle, Salem, appeared in support of the request; he stated that he was speaking on behalf of the church, and he invited the Commission and the City Council to come to their little church, have service with them, and join their church; then they will be part of the church and will vote “yes” for the request; and

WHEREAS, Vice Chairman Murphy noted that he echoed Chairman Smith and Commission Member Robertson’s comments; he stated that the speakers impressed upon him the passion and love they have for their church, and he is aware of the good deeds that this church has done for the city; further, he stressed the Commission is a recommending body to City Council; he noted that this is not an easy decision for the Commission, however, he personally thinks that the best suited use for this property is commercial;

ON MOTION MADE BY VICE CHAIRMAN MURPHY, AND DULY CARRIED, the Planning Commission of the City of Salem doth recommend to the Council of the City of Salem that the request of H-H of VA, LLC, property owner, and CommUNITY Church, lessee, for rezoning the property located at 901 Russell Drive (Tax Map # 15-1-1) from BCD Business Commerce District to RSF Residential Single Family District (continued from the November 11, 2009) be denied – the roll call vote: all aye.

There being no further business to come before the Commission, the same on motion adjourned at 8:46 p.m.

Executive Secretary

Chairman